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7590 03/24/2008 FILDES & OUTLAND, P.C. 20916 Mack Avenue Grosse Pointe Woods, MI 48236				
EXAMINER				
POPHAM, JEFFREY D				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/806,692

## Applicant(s)

ISHIZUKA ET AL.

## Examiner

JEFFREY D. POPHAM

## Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-850)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 20060323, 20041015, 20061003

***Remarks***

Claims 1-16 are pending.

***Claim Objections***

1. Claims 10 and 11 are objected to because of the following informalities: Claim 10 refers to an "authentication medium data read/write AP", an "educational AP", and a "work AP", and claim 11 refers to an "operation AP" and an "authentication AP". After reviewing the specification, the meaning of AP is not clear. AP appears to refer to any form of functionality that allows something to be performed. For purposes of prior art rejection, "AP" has been construed as "functionality". Appropriate correction is required.

Claims 5, 6, and 9-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n).

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 13-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are directed to "an authentication recording medium". This medium does not perform any function, but only receives and stores data.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bly (U.S. Patent Application Publication 2002/0087345).

Regarding Claim 1,

Bly discloses a system for maintaining qualification of an operator using an authentication recording medium, comprising an authentication recording medium, a mobile terminal, a data management server, a terminal (PC) for education, a communication network and a local area network (LAN), wherein:

The authentication recording medium stores readable identification authentication data and readable/writeable skill authentication data (Figures 9 and 10; and Paragraphs 84-85 and 94-98);

The mobile terminal comprises an authentication recording medium read/write device and has a function to send and receive data between the data management server via the communication network (Figures 9 and 10; and Paragraphs 84-85, 105, and 141-143);

The data management server manages the data of the system, and has a function to send and receive data between the mobile terminal via the communication network and between the PC via the LAN (Figures 9 and 10; and Paragraphs 85, 94-98, and 104); and

The PC for education comprises an authentication recording medium read/write device, and has a function to enable an operator to perform self-learning and a function to send and receive data between the data management server via the LAN (Figures 9 and 10; and Paragraphs 94-98, 104, and 154-155).

Regarding Claim 2,

Bly discloses that the skill authentication data stored in the authentication recording medium includes operation authority for system or device to be managed/maintained, operation qualification level, expiration date of operation qualification level, and contents of operation record (including time, number of times and name of apparatus) (Paragraphs 94-98 and 147-151).

Regarding Claim 3,

Bly discloses that the skill authentication data stored in the authentication recording medium further includes data regarding work (operation) status (continuous work time) and past quality management data (such as operation error) (Paragraphs 94-98 and 147-151).

Regarding Claim 4,

Bly discloses that the authentication recording medium has a function to receive identification authentication based on the stored identification authentication data and to receive authentication for performing a determined range of operation based on the skill authentication data by being inserted to an authentication recording medium read/write device of a maintenance operation terminal for performing management and maintenance of a system or device to be managed/maintained (Paragraphs 94-98 and 147-151).

Regarding Claim 13,

Claim 13 is a medium claim that is broader than system claim 4 and is rejected for the same reasons.

Regarding Claim 5,

Bly discloses that the mobile terminal has a function to read the data stored in the authentication recording medium and transfer (send) the same to the data management server via the communication network, and a function to additionally record or update the data received from the data management server in the authentication recording medium (Paragraphs 84-85, 94-98, 105, and 141-143).

Regarding Claim 6,

Bly discloses that the data management server comprises a database for data regarding work (operation) status and a database for quality management data, and has a function to collect and analyze data

that has been received, make a decision and download the decision contents to the authentication recording medium (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151).

Regarding Claim 7,

Bly discloses that the contents to be downloaded to the authentication recording medium include operation authority for system or device to be managed/maintained, operation qualification level and expiration date of operation qualification level (Paragraphs 94-98 and 147-151).

Regarding Claim 8,

Bly discloses that the contents to be downloaded to the authentication recording medium further include data regarding work (operation) status (continuous work time) and past quality management data (such as operation error) (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151).

Regarding Claim 9,

Bly discloses that upon receiving an urgent operation approval data registered by an administrator, the data management server holds a function to download the data via the mobile terminal to the authentication recording medium (Paragraphs 81-83 and 96-97).

Regarding Claim 10,

Bly discloses that the PC for education comprises an authentication recording medium read/write functionality, an educational functionality and a work functionality, and has a function to provide educational material for self-learning regarding various operations, and a function to transmit a result of learning performed by the operator to the data management server, receive a content of determination from the data management server and additionally record/update the same to the authentication recording medium (Paragraphs 94-98 and 155).

Regarding Claim 11,

Bly discloses that the system further comprises a maintenance operation terminal for managing/maintaining the system or device to be managed/maintained, the terminal comprising an operation functionality, an authentication functionality for the authentication recording medium and an authentication recording medium read/write device, the terminal having a function to read the data recorded in the authentication recording medium through the authentication recording medium read/write device, confirm identification authentication based on the identification authentication data, and authenticate a certain range of operation based on the skill authentication data (Figures 9 and 10; and Paragraphs 91 and 94-98).

Regarding Claim 12,



Bly discloses that after performing the maintenance operation, the terminal for maintenance operation has a function to log the contents of an operation record and to store the contents of the operation record to the authentication recording medium (Paragraphs 94-98).

Regarding Claim 14,

Bly discloses that the skill authentication data includes operation authority for system or device to be managed/maintained, operation qualification level, expiration date of operation qualification level and contents of operation record (including time, number of times and name of apparatus) (Paragraphs 94-98 and 147-151).

Regarding Claim 15,

Bly discloses that the skill authentication data further includes data regarding work (operation) status (continuous work time) and past quality management data (such as operation error) (Paragraphs 94-98 and 147-151).

Regarding Claim 16,

Bly discloses that the medium holds a function to download and record an urgent operation approval data from the data management server via the mobile terminal (Paragraphs 81-83 and 96-97).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey D Popham  
Examiner  
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